

Attorney Docket No.: NVID-P000140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this transmittal of the below described document is being deposited with the United States Postal Service in an envelope bearing First Class Postage and addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on the below date of deposit.

| | | | | |
|------------------|----------|------------------------------------|--------------|---|
| Date of Deposit: | 12/09/03 | Name of Person Making the Deposit: | ANTHONY CHOU | Signature of the Person Making the Deposit: |
|------------------|----------|------------------------------------|--------------|---|

Anthony Chou

[X]

In re Application of: David B. Kirk

Serial No.: 09/454,941

Examiner: KIM, H.

Filed: 12/02/1999

Art Unit: 2182

For: METHOD AND SYSTEM FOR PROVIDING A COMMAND STREAM IN A COMPUTER SYSTEM

Patent No.:

Issued:

RECEIVED

DEC 18 2003

OFFICE OF PETITIONS

ERRONEOUS ESTABLISHMENT OF STATUS AS SMALL ENTITY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST AND SUBMISSION UNDER 37 C.F.R. § 1.28(c) THAT
ERRONEOUS ESTABLISHMENT OF STATUS AS A SMALL ENTITY BE
EXCUSED &

NOTIFICATION UNDER 37 C.F.R. § 1.28(c) OF ERROR IN PAYMENT OF
ANY FEE(S) AS A SMALL ENTITY &

ITEMIZATION AND PAYMENT OF ANY DEFICIENCY UNDER 37 C.F.R. §
1.28(c)

ERRONEOUS ESTABLISHMENT OF STATUS AS A SMALL ENTITY

1. On 12/2/1999, a small entity assertion was erroneously made in this

[X] application

[] patent

12/09/2003 00000062 09454941

770.00 C\$
144.00 C\$

2. This assertion of small entity status and any payment of fee(s) as a small entity were made in good faith.

3. It has now been discovered that such status as a small entity was established in error. There was no attempt to fraudulently establish status as a small entity or pay fees as a small entity. Moreover, there was no intent to deceive in establishing status as a small entity or paying fees as a small entity.

4. ~~The Office is hereby notified that status as a small entity is no longer claimed.~~

ITEMIZATION OF THE FEE(S) ERRONEOUSLY PAID AS SMALL ENTITY AND OF THE DEFICIENCY (37 C.F.R. § 1.28 (c))

5. No Fees have been paid as a small entity.

The Deficiency Under 37 C.F.R. § 1.28 (c) has been calculated as shown below:

| *A Type of Fee Erroneously Paid As A Small Entity | Date Paid As A Small Entity | *B Current Fee For A Non- Small Entity (Column 1) | Fee Actually Paid As A Small Entity (Column 2) | *C Deficiency Owed |
|--|--------------------------------------|---|---|--------------------------|
| Basic Filing Fee-Utility | 12/2/1999 | \$770.00 | \$380.00 | \$390.00 |
| 8 claims in excess of twenty | 12/2/1999 | \$144.00 | \$72.00 | \$72.00 |
| | | | | |
| | | | | |
| Total Deficiency | | | | \$462.00 |

*A. Examples: Filing Fee, Fee For Excess Claims, Extension of Time Fee, Issue Fee, Maintenance Fee, etc.

*B. On the date the Deficiency is paid in full.

*C. Enter: Column 1 – Column 2, if (Column 1 – Column 2) is greater than Column 2.
or
Enter: Column 2, if (Column 1 – Column 2) is less than Column 2.

PAYMENT OF DEFICIENCY

6. No Deficiency Is Owed.

The total deficiency owed is paid as follows:

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No.: 23-0085.
A duplicate copy of this authorization is enclosed.

A check in the amount of \$ 462.00

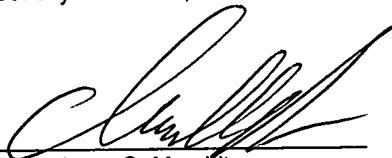
Charge any fees required or credit any overpayments associated with this filing to Deposit Account No.: 23-0085.

Please direct all correspondence concerning the above-identified application/patent to the following address:

WAGNER, MURABITO & HAO LLP
Two North Market Street, Third Floor
San Jose, California 95113
(408) 938-9060

Respectfully submitted,

Date: 12/9/2003

By: 

Anthony C. Murabito
Reg. No. 35,295

Transaction List

Search by

Accounting Date:

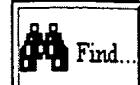
Operator ID:

(MMDDYY)

Accounting Date

Starts:

Ends:



Name/Number:

09454941

Attny Docket No:

Deposit Account No.:



| Accounting Date | Operator ID | Seq. No. | Txn Src | Fee Code | St | Amount | Name/Number | Dep Acct |
|-----------------|-------------|----------|---------|----------|----|--------|-------------|----------|
| 12/18/2003 | AWONDADF1 | 104 | SALE | 1801 | A | 770.00 | 09454941 | |
| 12/22/1999 | DNGUYEN | 220 | SALE | 581 | A | 40.00 | 09454941 | 022120 |
| 12/14/1999 | SCARMICH | 65 | SALE | 203 | A | 72.00 | 09454941 | |
| 12/14/1999 | SCARMICH | 64 | SALE | 201 | A | 380.00 | 09454941 | |



Adjustment Detail

Authorization Detail



Adjustment date: 12/18/2003 AWONDADF1
12/14/1999 SCARMICH 00000034 09454941
01 FC:201 -380.00 OP
02 FC:203 -72.00 OP